

**McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP**

ATTORNEYS AT LAW

1300 MOUNT KEMBLE AVENUE  
P. O. BOX 2075  
MORRISTOWN, NEW JERSEY 07962-2075  
(973) 993-8100  
FACSIMILE: (973) 425-0161

PETER L. KORN  
Direct dial: (973)425-8741  
pkorn@mdmc-law.com

July 18, 2011

VIA ELECTRONIC FILING

Honorable Faith S. Hochberg, U.S.D.J.  
Martin Luther King Building  
& U.S. Courthouse  
50 Walnut Street Room 4015  
Newark, NJ 07101

**Re: Richard M. Zelma vs. Medco Health Solutions**  
**Our File No. M9081.8574**  
**Docket No. 11-3465(FSH)**

Dear Judge Hochberg:

This office represents Medco Health Solutions, Inc. in connection with the above-referenced matter. Currently pending before Your Honor is plaintiff's motion for remand to New Jersey Superior Court, returnable August 1, 2011. Please accept this letter in response.

Plaintiff has agreed to strike Counts I, II, and III of the Complaint. The dismissal of these counts, with prejudice, together with plaintiff's statements in the brief in support of his motion for remand that he "does not seek relief from the [C]ourt for [HIPAA Violations] [sic]" (Plaintiff's Brief, ¶5) and that the "Complaint was filed with the State Court to address and only address the telemarketing violation portions therein" (Plaintiff's Brief, ¶6) would resolve all matters within the jurisdiction of this Court. Accordingly, we do not oppose the remand of this case, provided, however, that Counts I, II and III of the Complaint are dismissed with prejudice.

**McELROY, DEUTSCH, MULVANEY , CARPENTER, LLP**

Page 2

Thank you for your attention to this matter.

Respectfully yours,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP  
A Professional Corporation



Peter L. Korn

PLK/jms

cc: Richard M. Zelma  
Howard B. Mankoff, Esq.  
Jeff Shelby, Esq. (VIA EMAIL)  
Ronald London, Esq. (VIA E-MAIL)